

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

UNITED STATES OF AMERICA)	
)	
vs.)	No. 3:09-00245
)	
BOBBY EUGENE TAYLOR)	

DEFENDANT’S POSITION CONCERNING SENTENCING FACTORS

The Defendant objects to the four level enhancement under U.S.S.G. §2K2.1(B)(6). This provision applies to drug trafficking offenses and not simple possession of drugs. The Defendant in this case was not charged with a felony drug offense or any drug offense for that matter. The small amount of controlled substance found (12.2 grams of marijuana and 4 Xanax tablets) does not indicate the drugs were possessed for resale or distribution. Under Tennessee law T.C.A. §39-418, there is a presumption that amounts of marijuana less than 14.175 grams or ½ ounce are presumed to be for personal use. When arrested, the Defendant was not involved in any drug transaction and was simply visiting his girlfriend who lived in the nearby apartment.

Accordingly, the enhancement should not apply. The total offense level would be 17 Criminal History Category IV with a Guideline Range of 37 to 46 months.

Respectfully submitted,

/s James W. Price, Jr.
James W. Price, Jr., #3538
Attorney for Defendant
Suite 1800, 201 4th Avenue North
Nashville, TN 37219
(615) 244-5772

CERTIFICATE OF SERVICE

I certify that I have placed a true and exact copy of the foregoing document was sent via Electronic Filing with the U.S. Courts, on this the 8th day of March, 2010 to Ms. Brooklyn Sawyers, Assistant U.S. Attorney, U.S. Attorney's Office, 110 Ninth Avenue South, Suite A-961, Nashville, TN 37203-3870.

/s/ James W. Price, Jr.

James W. Price, Jr.